

TABLE OF CONTENTS

LAND SUBDIVISION ORDINANCE

SECTION NO.		PAGE NO.
1.	Title	1-1
2.	Definitions	2-1
3.	Administration	3-1
4.	Procedure for Making Plats	4-1
5.	General Regulations.....	5-1
6.	Approval of Plats - Procedure.....	6-1
7.	Vacation of Plat after Sale of Lot	7-1
8.	Effectual Clauses	8-1

SECTION 1

TITLE

This Ordinance is known and may be cited as the "Land Subdivision Ordinance of the City of Winchester, Virginia."

LAND SUBDIVISION ORDINANCE

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 2

DEFINITIONS

SECTION 2-1.

For the purpose of this Ordinance, certain words and terms used herein shall be interpreted or defined as follows:

- 2-1-1 Words used in the present tense include the future tense; words used in the plural number, and words in the plural numbers include the singular number, unless the obvious construction of the wording indicated otherwise.
- 2-1-2 The word "lot" includes the word "parcel".
- 2-1-3 The word "shall" is mandatory; "may" is permissive.
- 2-1-4 The word "approve" shall be considered to be followed by the words "or disapprove".
- 2-1-5 Any reference to this Ordinance includes all ordinances amending or supplementing the same.
- 2-1-6 All distances and areas refer to measurement in a horizontal plane.

SECTION 2-2.

The following words and terms when used in this Ordinance shall have the meaning respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning.

- 2-2-1 **ADMINISTRATOR:** The official charged with the enforcement of this Ordinance.
- 2-2-2 **ALLEY:** A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.
- 2-2-3 **BUILDING LINE OR SETBACK:** The minimum distance by which any building must be separated from the street right-of-way line.
- 2-2-4 **CITY ENGINEER:** The City Engineer of the City of Winchester, Virginia.

LAND SUBDIVISION ORDINANCE

- 2-2-5 **COMPREHENSIVE PLAN:** The Comprehensive Plan adopted by the Common Council of the City of Winchester by Ordinance on the 12th day of November, 1974 and amendments thereto.
- 2-2-6 **COMMISSION:** The Planning Commission of the City of Winchester, Virginia.
- 2-2-7 **CUL-DE-SAC:** A Category I street with only one outlet and a turnaround with a right-of-way radius of not less than fifty feet and a paved radius of not less than forty feet. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-8 **DEVELOPER:** An owner of property being subdivided, whether or not represented by an agent.
- 2-2-9 **EASEMENT:** A grant by a property owner of the use of land for a specific purpose or purposes.
- 2-2-10 **ENGINEER:** An engineer licensed by the Commonwealth of Virginia.
- 2-2-11 **FIRE CHIEF:** The Fire Chief of the City of Winchester, Virginia.
- 2-2-12 **GOVERNING BODY:** The Common Council of the City of Winchester.
- 2-2-13 **HEALTH OFFICIAL:** The Health Director or Sanitarian of the Winchester-Frederick County Health Department.
- 2-2-14 **HIGHWAY ENGINEER:** The Resident Engineer employed by the Virginia Department of Highways who has jurisdiction in Winchester, Virginia.
- 2-2-15 **JURISDICTION:** The area or territory subject to the legislative control of the governing body.
- 2-2-16 **LOT:** A numbered and recorded portion of a subdivision intended for transfer or ownership or for building development.
- 2-2-17 **LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front (for the purpose of determining required setbacks) shall be deemed to be the shorter of the two (2) sides fronting on streets.
- 2-2-18 **LOT, DEPTH OF:** The average horizontal distance between the front and rear lot lines.
- 2-2-19 **LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two (2) sides.

DEFINITIONS

- 2-2-20 LOT, INTERIOR: A lot other than a corner lot.
- 2-2-21 LOT OF RECORD: A lot, a plat, or description of which has been recorded in the Clerk's office of the Circuit Court.
- 2-2-22 LOT, WIDTH OF: The horizontal distance between side lot lines at the setback line.
- 2-2-23 MOBILE HOME: A vehicular, portable dwelling structure, designed as a permanent residence, fully equipped with living quarters, equipment, and appurtenances; double, expandable, or non-expandable in accordance with U.S.A.-A119.1 Standard for Mobile Homes 1972 currently in use or as may be amended by the U.S.A. Committee on Mobile Homes and Travel Trailers. It shall be further defined as a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels, or on a flatbed or other trailer, and arriving at site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembling operation, location on jacks or permanent foundation, connected to utilities and the like. Its design and type shall be clearly identified by the manufacturer, by visible identifiable seal or plate of a permanent nature, as a mobile home. Its requirements for transit from site to site shall be in accordance with the Motor Vehicle Code of Virginia (1950) as amended. This definition shall not apply to travel trailers used for recreational purposes.
- 2-2-24 PLAT: Includes the terms: map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide".
- 2-2-25 PROPERTY: Any tract, lot, parcel or several of the same collected together for the purpose of subdivision.
- 2-2-26 RIGHT OF WAY: A strip of land which is a legal right of passage for utilities over another person's ground.
- 2-2-26.1 RIGHT OF WAY/STREET: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-27 ROAD: A road shall be defined as a street.
- 2-2-28 STORM DRAINAGE REPORT: The Storm Drainage Report adopted by the Common Council of the City of Winchester.
- 2-2-29 STREET: A public thoroughfare; the principal means of access to abutting property.

LAND SUBDIVISION ORDINANCE

- 2-2-30 **STREET OR ALLEY, PUBLIC USE OF:** The unrestricted use of a specific area or right of way for ingress and egress to two or more abutting properties.
- 2-2-31 **STREET, CATEGORY I:** A street or road that carries a present or anticipated traffic volume not exceeding 5000 vehicles per day, a maximum grade of 9%, a design speed up to 35 miles per hour, a minimum street width of 36 feet and a minimum right of way width of 50 feet. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-32 **STREET, CATEGORY II:** A street or road that carries a present or anticipated traffic volume from 5,000 to 8,000 vehicles per day; a maximum grade of 9%, a design speed up to 35 miles per hour, a minimum street width of 40 feet, and minimum right of way width of 60 feet. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-32.1 **STREET, CATEGORY III:** A street or road that carries a present or anticipated traffic volume greater than 8,000 vehicles per day; a maximum grade of 9%, a design speed up to 50 miles per hour, a minimum street width of 48 feet, and a minimum right of way width of 70 feet. On street parking shall not be allowed. Access shall be limited to intersections with public streets and curb cuts to private property that are no closer than 300 feet. When this type of street is used as the entrance to a subdivision of more than 25 lots a landscaped median may be required. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-33 **STREET, SERVICE DRIVE:** A public right of way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right of way by providing safe and orderly points of access to the highway.
- 2-2-34 **STREET, WIDTH:** The total width of the improved portion of the street right of way which would include pavement, curb, and gutter; the distance between curb faces. (8-11-87 Case# TA-87-02 Ord. No. 024-87)
- 2-2-35 **SUBDIVIDE:** To divide or resubdivide any tract, parcel or lot of land into two or more parts or create a new division line. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined below.
- 2-2-36 **SUBDIVIDER:** An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

DEFINITIONS

- 2-2-37 **SURVEYOR:** A certified land surveyor licensed by the Commonwealth of Virginia to lay out and plan subdivisions.
- 2-2-38 **UTILITIES SUPERINTENDENT:** The Utilities Superintendent for the City of Winchester, Virginia.
- 2-2-39 **WALKWAYS:** A pathway between property lines for pedestrians to walk safely on, without highway hazard, to schools, parks, or shopping centers.
- 2-2-40 **ZONING ORDINANCE:** The Zoning Ordinance adopted by the Common Council of the City of Winchester on April 13, 1976, and as may be amended.

LAND SUBDIVISION ORDINANCE

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 3

ADMINISTRATION

SECTION 3-1. ADMINISTRATOR.

The provision of this Ordinance shall be administered and enforced by an officer to be known as the Administrator, who shall be designated by the City Council of the City of Winchester. The Administrator shall have all necessary authority on behalf of the City Council to administer and enforce the provisions of this Ordinance, including the ordering in writing of the remedying of any condition found in violation of this Ordinance, and the bringing of legal action to ensure compliance with the Ordinance, including injunction, abatement, or other appropriate action or proceeding.

SECTION 3-2. DUTIES.

The Administrator shall perform his or her duties as regards subdivisions and subdividing in accordance with this Ordinance and the Land Subdivision and Development Act.

SECTION 3-3. TO CONSULT.

In the performance of his or her duties the Administrator may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the Administrator shall have particular reference to the Resident Highway Engineer and the Health Officer.

SECTION 3-4. ADDITIONAL AUTHORITY.

In addition to the regulations herein contained for the platting of the subdivision, the Administrator may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this Ordinance.

SECTION 3-5. DEFERRED INSTALLATION OF PUBLIC IMPROVEMENTS.

After a plat has been recorded, certain public improvements not otherwise identified for deferral per Section 5-5-1 of this Ordinance may be considered for installation at a point subsequent to the issuance of a Certificate of Occupancy by the Zoning Administrator. Such approval shall only be granted after consultation with the respective departments or agencies charged with operation, acceptance and maintenance of said improvements.
Prior

LAND SUBDIVISION ORDINANCE

to approval, the Administrator shall require a One Hundred (\$100) dollar fee and a written request from the subdivider or developer which shall identify the justification for the deferral and a committed date for completion of the improvement beyond which subdivision reapproval shall be required for additional deferral. In no case shall any improvement be deferred beyond two years following the issuance of the first building permit for any lot in the subdivision. (3-14-06, Case SA-05-01, Ord. No. 10-2006)

SECTION 4

PROCEDURE FOR MAKING AND RECORDING PLATS

SECTION 4-1. PLATTING REQUIRED.

Any owner or developer of any tract of land situated within the corporate limits of the City of Winchester who subdivides the same shall have recorded in the Office of the Clerk of the Circuit Court a plat of the subdivision. No such plat or any subdivision shall be recorded until it shall have been approved in accordance with the regulations set forth in this Ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded. (11-10-92, Case #SA-92-01, Ord. No. 019-92)

SECTION 4-2. DRAW AND CERTIFY.

Every such plat shall be prepared by a surveyor duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last acquired from more than one source title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat by an insert block, or by means of a dotted boundary line upon the plat.

SECTION 4-3. OWNERS' STATEMENT.

Every such plat, or the deed of dedication to which such plat is attached, shall contain in addition to the surveyor's or engineer's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided), as appears in this plat, is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any", which shall be duly acknowledged before some officer authorized to take acknowledgements of deeds and when thus executed and approved as herein specified shall be filed and recorded in the Office of the Clerk of the Circuit Court of the City of Winchester, Virginia and indexed under the names of the land owners signing such statement and under the name of the subdivision.

SECTION 4-4. NO ONE EXEMPT.

No person shall subdivide any tract of land that is located within the jurisdiction of the City of Winchester, Virginia as defined in the 1950 Code of Virginia, as amended, except in conformity with the provision of this Ordinance.

SECTION 4-5. PRIVATE CONTRACTS.

LAND SUBDIVISION ORDINANCE

This Ordinance does not affect any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant agreement or restriction implied herein to any public official. When this Ordinance calls for more restrictive standards than are required by private contract the provisions of this Ordinance shall control.

SECTION 4-6. REPEALED. (11-15-88, ORD. 045-88)

SECTION 4-7. RELATION TO ZONING.

When the intended use of all or part of the platted area, as indicated by the preliminary plat and as shown on that plat, would put the land in a more restrictive category than that which now exists, such shall be considered a petition for the rezoning of that platted area, provided that prior to approval of the final plat, the same shall comply with the provisions of the Zoning Ordinance.

SECTION 4-8. FEES.

There shall be a charge for the submission of each subdivision plat or revision thereto for approval or disapproval pursuant to this Ordinance. At the time of filing the preliminary plat, the applicant shall pay to the Treasurer the following amounts (3-14-06, Case SA-05-01, Ord. No. 10-2006):

Major Subdivision	\$2,000.00 + \$250.00/lot
Minor Subdivision	\$300.00 + \$50.00/lot
Revision	\$100.00 + \$20.00/lot
Reapproval	\$200.00

SECTION 5

GENERAL REGULATIONS

SECTION 5-1. MUTUAL RESPONSIBILITY.

There is a mutual responsibility between the subdivider and the City of Winchester, Virginia to divide the land so as to improve the general use pattern of the land being subdivided.

SECTION 5-2. LAND MUST BE SUITABLE.

The Administrator shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

SECTION 5-3. FLOODING.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare. All subdivisions within the City of Winchester shall conform with the recommendation of the applicable Storm Drainage Report. Any new subdivision or development shall be subject to the requirements of Article 14.1 FLOODPLAIN DISTRICTS, FP of the Official Zoning Ordinance.(Case #SA-02-02, Ord. No. 002-2003)

SECTION 5-4. BUILDING SITE.

To ensure that residents will have sufficient land upon which to build a house which is flood free, the Administrator may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of flood waters.

LAND SUBDIVISION ORDINANCE

SECTION 5-5. IMPROVEMENTS.

All improvements shown on the plan or plat shall be installed by the subdivider at his cost and in accordance with City rules and regulations. The plan shall clearly show the dedication for public use any right-of-way which has proposed to be constructed any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality or other public agency, and the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities. (04-11-95, Case SA-94-01, Ord. No. 016-95)

5-5-1 Any public and private improvements proposed for installation, operation and/or acceptance after the issuance of a Certificate of Occupancy shall be noted on the plans. The construction plans shall clearly show the location and timing of any proposed improvements for which deferred installation is requested. (09-10-96, Case # SA-96-01, Ord. No. 022-96)

SECTION 5-6. ZONING ORDINANCE REGULATIONS.

All subdivisions shall be in accordance with the minimum lot size and all other regulations set forth in the Winchester Zoning Ordinance.

SECTION 5-7. FLOOD CONTROL AND DRAINAGE.

The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including when deemed necessary by the Administrator, a topographic map at two (2) foot contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all such improvements together with a certified engineer's or qualified land surveyor's statement that such improvements, when properly installed, will be adequate for proper development. All improvements shall conform with the recommendations of the applicable Storm Drainage Report. The subdivider shall also provide any other information required by the Administrator.

SECTION 5-8. EASEMENTS.

GENERAL REGULATIONS

The Administrator may require that easements for access, utilities and drainage through adjoining property be provided by the subdivider. Easements of not less than twenty (20) feet in width shall be provided for vehicular access, water, sewer, power lines and other utilities in the subdivision. Pedestrian access easements may be required for walkways at a width consistent with the walkway. (10-12-93, Case SA-93-01, Ord. No 035-93)

SECTION 5-9. PUBLIC WATER AND SEWER.

No subdivision shall be approved unless public water and sewer is available. Where a new subdivision has extended water and sewer mains, complete service connections shall be extended to each lot within the subdivision.

SECTION 5-10. FIRE PROTECTION.

The installation of fire hydrants and adequately sized water mains connected in a looped system shall be required in order to provide the necessary fire protection. The sizing and routing of water mains and the location of fire hydrants shall require approval of both the Fire Chief and Utilities Superintendent. The requirement of a looped water system may be waived by the Commission if the subdivider can show that adequate fire protection will be maintained without the looped water system.

SECTION 5-11. PERFORMANCE SURETY.

Before any subdivision plat will be finally approved by Council, the subdivider shall complete the improvements per Section 5-5 of this Ordinance, or, in lieu of completed construction, meet the following requirements: (04-11-95, Case SA-94-01, Ord. No. 016-95)

- 5-11-1 Any right-of-way or site-related improvements financed or to be financed by private funds shall be accepted only if the owner or developer:
- a. certifies to the governing body that the construction costs have been paid to the person constructing such facilities; or,
 - b. furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction ;or,
 - c. furnishes to the governing body a personal, corporate or property bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities; or,

LAND SUBDIVISION ORDINANCE

- d. furnishes to the governing body a contract for the construction of such facilities and the contractor's bond with like surety, in like amount and so conditioned; or
 - e. furnishes to the governing body a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the governing body as to the bank or savings and loan association, the amount and the form. (04-11-95, Case SA-94-01, Ord. No. 016-95)
- 5-11-2 The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities. (04-11-95, Case SA-94-01, Ord. No. 016-95)
- 5-11-3 Provisions for periodic partial and final complete release of bonds, letters of credit and other performance guarantees required by City Council shall be offered to the subdivider or developer upon completion of part or all of the improvements as follows:
- a. The applicant shall make a written request for partial or final release to the City.
 - b. The City shall execute the release unless it notifies the applicant in writing of any defects or deficiencies in construction and suggest corrective measures within thirty days after the applicant's request.
 - c. If the City does not respond within thirty days to a request for partial release, then it is deemed approved.
 - d. If the City does not respond within thirty days to a request for final release, then the applicant may make a request via certified mail to the City Manager. If the City does not respond within ten days to the additional request for final release, then it is deemed approved.
 - e. Partial release requests shall not be made for less than thirty percent nor more than eighty percent completion of the work.
 - f. The City shall not be required to make more than three partial releases within any twelve month period. For purposes of final release, the term "Acceptance" shall means when the public facilities are accepted and taken over for operation and maintenance by the City or other proper public authority. (04-11-95, Case SA-94-01, Ord. No. 016-95)

SECTION 5-12. PLANS AND SPECIFICATIONS.

GENERAL REGULATIONS

Five (5) blue or black line prints of the plans shall be prepared by a qualified land surveyor or engineer and shall be submitted to the Administrator who will approve or disapprove same within sixty (60) days. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing.

SECTION 5-13. SHAPE.

The lot arrangement, design, and shape shall be such that lots will prove satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this Ordinance. Lots shall not contain peculiarly shaped elongation solely to provide necessary square footage of area which would be unusable for normal purposes.

SECTION 5-14. LOCATION.

Each lot shall abut on a street to be dedicated or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing street rights of way are not of sufficient width to comply with the Ordinance, the subdivider shall dedicate enough land to provide a street right of way of sufficient width to conform with the requirements of this Ordinance measuring from the center line of said existing street right of way for one-half the total width. The administrator may waive the requirement for right of way dedication for lots situated along streets within the Historic Winchester (HW) District and certain other minor subdivisions which do not result in additional potential impact on the street(s). (04-11-95, Case SA-94-01, Ord. No. 016-95)

SECTION 5-15. CORNER LOTS.

Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.

SECTION 5-16. SIDE LINES.

Side lines of lots shall be approximately at right angles, or radial, to the street line.

SECTION 5-17. REMNANTS.

LAND SUBDIVISION ORDINANCE

All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

SECTION 5-18. SEPARATE OWNERSHIP.

Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed is to be deposited with the Administrator and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

BLOCKS

SECTION 5-19. LENGTH.

Generally, the maximum length of blocks shall be twelve hundred (1,200) feet and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.

SECTION 5-20. WIDTH.

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the Administrator may approve a single tier of lots of minimum depth.

SECTION 5-21. ORIENTATION.

Where a subdivision adjoins a major road, the Administrator may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

SECTION 5-22. BUSINESS OR INDUSTRIAL.

GENERAL REGULATIONS

Blocks or lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

STREETS

SECTION 5-23. ALIGNMENT AND LAYOUT.

The Administrator and Planning Commission have a responsibility to see that the arrangement of streets in new subdivisions shall make provision for the continuation or close continuity of newly dedicated streets to existing streets, and that streets providing parallel travel to existing heavily traveled roads be provided in subdivisions adjacent to these existing roads and that their continuity be planned for. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets and underground utilities shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision will not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the Administrator upon recommendation of the City Engineer.

SECTION 5-24. SERVICE DRIVES.

Whenever a proposed subdivision contains or is adjacent to any Category II or Category III Street as defined in this Ordinance, it may be required that provision be made for a service drive or interparcel connector approximately parallel to such right of way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right of way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fill slope easements required for any separation of grades. (10-12-93, Case SA-93-01, Ord. No 035-93)

SECTION 5-25. APPROACH ANGLE.

LAND SUBDIVISION ORDINANCE

Major streets shall approach the major or minor streets at an angle of not less than eighty (80) degrees, unless the Administrator, upon recommendation of the City Engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching or existing patterns.

SECTION 5-26. MINIMUM WIDTHS.

The minimum width of proposed right of way/street widths shall be as follows (8-11-87 Case# TA-87-02 Ord. No. 024-87):

1. Category I - 50 foot right of way, 36 foot street,
2. Category II - 60 foot right of way, 40 foot street,
3. Category III - 70 foot right of way, 48 foot street,
4. Service Drive - 25 foot right of way, 22 foot street
5. Alleys - 15 foot right of way, 12 foot street,
6. Variation in right of way and street widths may be allowed when recommended by the Public Works Director and the Planning Commission and approved by City Council.

SECTION 5-27. CONSTRUCTION REQUIREMENTS.

Streets shall be constructed in accordance with the current specifications established by the Public Works Department. Variation in road grades may be authorized by the Public Works Director when application of these standards would be unreasonable based on engineering data submitted by a Professional Engineer. (8-11-87 Case# TA-87-02 Ord. No. 024-87)

SECTION 5-28. CUL-DE-SACS.

Generally, cul-de-sacs shall be not longer than 1000 feet to the beginning of the turn around. However, longer cul-de-sacs may be allowed when recommended by the Public Works Director and the Planning Commission and approved by City Council when it can be demonstrated that there are unusual characteristics of the property in terms of shape, slope, or location which were not created by the current owner. (8-11-87 Case# TA-87-02 Ord. No. 024-87)

SECTION 5-29. ALLEYS.

Alleys should be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provisions are made for

GENERAL REGULATIONS

service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Before accepting any alley for public use, they shall be paved their full width. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the Administrator.

SECTION 5-30. WALKWAYS.

Pedestrian walkways, not less than four (4) feet wide shall be provided along all public streets and may be required where deemed essential to provide access to schools, playground, shopping centers, transportation, and other community facilities. (04-11-95, Case SA-94-01, Ord. No. 016-95)

SECTION 5-31. PRIVATE STREETS AND RESERVE STRIPS.

There shall be no private streets platted in any subdivision, and every subdivided property shall be served from a publicly dedicated street, except as otherwise permitted in the Zoning Ordinance for townhouses and planned developments. There shall be no reserve strips controlling access to streets.

SECTION 5-32. COMPREHENSIVE PLAN.

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

SECTION 5-33. STREET SIGNS AND NAMES.

Street signs shall be installed at all street intersections in the subdivision at the subdivider's expense. Signs shall meet the standards of the City Public Works Department. Variations of the City standards may be considered and approved by the Director of Public Works upon the subdivider submitting a detail of such signs including a plan and budget for maintenance of the signs. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names in Winchester or in Frederick County irrespective of the use of the suffixes such as: street, avenue, boulevard, drive, way, place, lane, or court. (04-11-95, Case SA-94-01, Ord. No. 016-95)

SECTION 5-34. STREET TREES.

LAND SUBDIVISION ORDINANCE

Trees shall only be located and planted in accordance with Chapter 19, Article 2, Tree Commission, of the Code of the City of Winchester, as amended.

SECTION 5-35. STREET LIGHTING.

Street lights shall be installed along streets in the subdivision at the subdivider's expense. Fixtures, poles and other components shall meet the standards of the City Public Works Department. Variations of the City standards may be considered and approved by the Director of Public Works upon the subdivider submitting a detail of such lighting including a plan and budget for maintenance of the lights. (04-11-95, Case SA-94-01, Ord. No. 016-95)

SECTION 5-37. MONUMENTATION.

All lot corners and all points of curvature, points of tangency, points of compound curve and points of reverse curve on street rights of way shall be marked with iron pipe or rod not less than one-half (1/2) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the Administrator are clearly visible for inspection and use. (04-11-95, Case SA-94-01, Ord. No. 016-95, 09-10-96, Case SA-96-01, Ord. No. 022-96)

ADDITIONAL CONDITIONS

SECTION 5-36. DRIVEWAY SPACING.

No lot shall be created along any street for which driveway spacing standards as outlined in the Zoning Ordinance for certain districts cannot be met unless the subdivider dedicates an access easement across the adjacent lot(s) to allow vehicular access to and from the public street at a location in conformity with the Zoning Ordinance. (10-12-93, Case SA-93-01, Ord. No 035-93)(This section erroneously identified in Ord 035-93 as 5-40. Temporarily assigned 5-39A until renumbering of subsequent sections is accomplished.) (04-11-95, Case SA-94-01, Ord. No. 016-95)

SECTION 5-38. COMMERCIAL AND INDUSTRIAL SITES.

GENERAL REGULATIONS

Depth and width of properties reserved or laid out for commercial and industrial purposes or in present or future commercial zones shall be adequate to provide for the off-street service and parking facilities as may be required.

SECTION 5-39. DOUBLE FRONTAGE LOTS.

Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

RESERVATION OF LAND FOR PUBLIC PURPOSES

SECTION 5-40.

The Administrator may require subdividers of residential subdivision to set aside land for parks, playground, schools, libraries, municipal buildings, and similar public and semipublic uses, subject to the following regulations:

- a. Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten (10) percent of the area of the subdivision, exclusive of street and drainage reservations, except on a reimbursement basis.
- b. If subdividers are required to reserve land for public purposes other than streets, drainage, parks or playgrounds, they shall be required to give an eighteen (18) month option to the City for the purchase of the property involved. If the City does not exercise said option, the land may be sold as lots for the same purpose for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation by lot number, without filing an amended plat.
- c. It shall be the responsibility of the City to maintain the land described by this section upon its dedication to the City.

UNDERGROUND INSTALLATION OF WIRE AND CABLE UTILITIES

LAND SUBDIVISION ORDINANCE

(9-12-89, CASE SA-89-01, ORD. NO. 025-89)

SECTION 5-41.

All distribution lines for electrical, telephone, cable television and any other services requiring wires or cables shall be installed underground. (9-12-89, Case SA-89-01, Ord. No. 025-89)

IDENTIFICATION OF WASTEWATER PRETREATMENT REQUIREMENTS

SECTION 5-42.

Applications for subdivision approval shall identify provisions for wastewater disposition and pretreatment, if required, in accordance with standards of the City of Winchester. (7-10-90, Case # SA-90-01, Ord. No. 025-90)

SECTION 6

APPROVAL OF PLATS - PROCEDURE

SECTION 6-1. PRE-APPLICATION STUDIES.

Prior to filing a preliminary plat, subdividers are invited to discuss their ideas and development problems with the Administrator and/or Planning Commission, provided any sketches or questions to be placed before the Commission are received not less than ten (10) days prior to a regular monthly meeting.

SECTION 6-2. DEVELOPMENT OF PART OF TRACT.

If the subdivider has a tract of land and desires to develop only a section of it, he shall submit to the Administrator with the preliminary plat for the first section a copy of the master overall plan. Said overall plan shall be drawn to a scale of not less than two hundred (200) feet to the inch and shall show the following:

- 6-2-1.1 The names, location and dimensions of all streets entering the property adjacent to the property, or terminating at the boundary of the property;
- 6-2-1.2 The location and dimensions of all proposed streets;
- 6-2-1.3 The topography of the tract with a maximum contour interval of five (5) feet;
- 6-2-1.4 The proposed water, sewer, and drainage facilities; and
- 6-2-1.5 Such other reasonable information that the Administrator deems advisable.
- 6-2-2 The proposed master or overall plat shall be reviewed by the Planning Commission in accordance with the procedure outlined for preliminary plats in Section 6-3-2 of this Ordinance.

SECTION 6-3. PRELIMINARY PLATS.

- 6-3-1 **APPLICATION FOR PRELIMINARY PLAT APPROVAL:** Whenever any subdivision or re-subdivision of land is proposed, the subdivider shall submit the necessary copies of a preliminary plat, and the necessary fee as required by Section 4-8 of this Ordinance to the Planning Commission in accordance with this Section. (2-9-88 Case# TA-87-15 Ord. No. 010-88).

LAND SUBDIVISION ORDINANCE

- 6-3-1.1 No preliminary subdivision plat for a major subdivision shall be reviewed by the Commission until a public hearing has been held by the Commission on such preliminary plat. The public hearing shall be held after public notice has been carried out, in the manner prescribed by Section 15.1-431 of the Code of Virginia, 1950, as amended except advertisement in a local paper shall not be required and written notice shall be mailed by the applicant via first class mail at least ten days prior to the public hearing to all property owners within 300 feet of the property affected. (2-9-88, Case #TA-87-15, Ord. No. 010-88)(11-10-92, Case #SA-92-01, Ord. No. 019-92)
- 6-3-1.2 **NOTIFICATION SIGNS:** The subdivider shall place one or more signs, provided by the Administrator, on the property so as to be visible from each existing, developed street on which the property fronts. The subdivider shall place one sign on the property, and additional signs, as required by the Administrator, if the frontage on existing, developed streets exceeds, 1,000 feet, or if the property fronts on more than one such street. The subdivider shall submit a \$50.00 refundable deposit per sign and be responsible for the placement of such sign(s) at least two weeks prior to the public hearing. The sign(s) shall be mounted so as to remain legible until the date of the public hearing. The applicant shall return the sign(s) within ten (10) business days after the close of the public hearing. If the sign is not returned within ten (10) business days, the deposit shall be forfeited. (3-14-06, Case SA-05-01, Ord. No. 10-2006)
- 6-3-2 **PLANNING COMMISSION ACTION ON PRELIMINARY PLATS:**
- 6-3-2.1 The Planning Commission shall give careful study to the preliminary plat, taking into consideration the requirements of the community and the best use of the land to be subdivided, together with its prospective character, whether residential, commercial, or industrial. Attention shall be given to street widths, arrangement, and circulation; surface drainage and sanitation; lot sizes and arrangement and to such neighborhood and community requirements as those of parks, school and playground sites; and main thoroughfare widths and locations. Prior to action, the property proposed for subdivision shall be viewed in the field by the Commission or its authorized representative. Following review of the preliminary plat layout and discussion with the subdivider or his authorized agent, the Commission shall, within sixty (60) days, communicate in writing with the subdivider, stating specific changes that are required in the preliminary plat layout. If, for any reason, the preliminary subdivision plat is disapproved, the reasons for such disapproval shall be given in writing. The appropriate city official shall advise the subdivider as to the character and extent of any improvements that will be required as a prerequisite to approval of the subdivision plat.

APPROVAL OF PLATS - PROCEDURE

- 6-3-2.2 The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the Administrator a final subdivision plat in accordance with this Ordinance. Failure to do so shall make preliminary approval null and void. The Administrator may, on written request by the subdivider, grant an extension on this time limit.
- 6-3-3 **PRELIMINARY PLAT REQUIREMENTS:** The subdivider shall present to the Administrator at the time of application ten (10) copies of the preliminary plat and shall include the following information: (09-12-95, Case #SA-95-02, Ord. No. 039-95)
- 6-3-3.1 Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of sheets, grid north point and scale. The survey shall be to the State Coordinate System if the subdivision creates two or more lots and is within one-half mile of a triangulation or transverse station established in conformity with standards adopted by the United States Coast and Geodetic Survey; if creating fewer than two lots or beyond one-half mile, then to a known or permanent monument. All elevations shall be based on USC and GS data.(11-10-92, Case #SA-92-01, Ord. No. 019-92)
- 6-3-3.2 Location of proposed subdivision by an inset map at a scale of not less than one (1) inch equal one (1) mile showing adjoining road, their name and number, towns, subdivisions and other landmarks.
- 6-3-3.3 The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one part in twenty-five hundred, total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings and cemeteries within the boundaries of the tract, names of owners and/or subdivisions and their property lines within the boundaries of the tract or adjoining such boundaries with legal references.
- 6-3-3.4 All existing platted and proposed streets, their names, number and width; existing utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.
- 6-3-3.5 The proposed drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined natural drainage area.
- 6-3-3.6 Profiles or contour maps showing proposed grades for streets, utilities, drainage, and/or utilities easements.

LAND SUBDIVISION ORDINANCE

- 6-3-3.7 A cross section showing the proposed street construction, depth and type of base, type of surface, etc.,; and a cross section of all proposed drainage channels and sewer pipe bedding and backfill.
- 6-3-3.8 Proposed connections with existing sanitary sewers and existing water lines.
- 6-3-3.9 All parcels of land to be dedicated for public use and the condition of such dedication.
- 6-3-3.10 A copy of all proposed protective covenants and deed restrictions shall accompany the preliminary plat.

SECTION 6-4. FINAL PLATS.

- 6-4-1 **APPLICATION FOR FINAL PLAT APPROVAL:** The subdivider, within six (6) months after preliminary plat approval by the Planning Commission, shall apply in writing to the Commission for approval of the final subdivision plat.
- 6-4-2 **PLANNING COMMISSION ACTION ON FINAL PLATS:** If the final plats conforms substantially to the preliminary plat, the Administrator shall submit same to the Planning Commission for their consideration and approval. The Planning Commission shall then submit the plat to the City Council for their approval.
- 6-4-3 **COUNCIL ACTION ON FINAL PLATS:** Approval by the Council shall be written on the face of the plat and signed by the City Manager. The subdivider shall record the plat within ninety (90) days after final approval of Council.
- 6-4-4 **ALTERATION OF FINAL PLAT:** It shall be unlawful for anyone to alter a final subdivision plat after the City Manager has affixed his or her signature thereto, without approval as per Section 6-7 of this Ordinance, and any plat so altered without said approval shall be null and void. (11-15-88 SA-88-02; and 045-88).
- 6-4-5 **FINAL PLAT REQUIREMENTS:** The subdivider shall present to the Administrator at the time of application one original plat having a size of eight and one-half (8 1/2) inches by fourteen (14) inches, with ten (10) copies, and any other exhibits deemed necessary by the Administrator. In addition to the requirements of the preliminary plat the final plat shall include the following: (09-12-95, Case #SA-95-02, Ord. No. 039-95)
 - 6-4-5.1 A blank oblong space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.

APPROVAL OF PLATS - PROCEDURE

- 6-4-5.2 Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- 6-4-5.3 A statement of the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.
- 6-4-5.4 When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dash lines, and identification of the respective tracts shall be placed on the plat.
- 6-4-5.5 Profiles showing the proposed grades for the streets and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith; and showing the proposed layout of utility lines; and drainage and utility easements.
- 6-4-5.6 The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names, number and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- 6-4-5.7 Distances and bearings must balance and close with an accuracy of not less than one in ten thousand. The survey shall be oriented to the State Coordinated System if within one-half mile of a triangulation or traverse station established in conformity with standards adopted by the United States Coast and Geodetic Survey; if beyond to a known or permanent monument. Two adjacent reference points shall show State Plane Coordinates and be located by concrete monuments not less than five hundred (500) feet apart.
- 6-4-5.8 The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: Delta, radius arc, tangent, chord, and chord bearings.

LAND SUBDIVISION ORDINANCE

- 6-4-5.9 Deed of Dedication and any agreements covering the construction, use and maintenance of shared facilities including interparcel connectors, service drives and access easements shall accompany plat. (10-12-93, Case SA-93-01, Ord. No 035-93)

SECTION 6-5. MINOR SUBDIVISIONS.

- 6-5-1 The Administrator may certify a subdivision or re-subdivision as a "minor subdivision" if he finds that:
- 6-5-1.1 The proposal is to divide a parcel of land into not more than three (3) lots fronting up an existing street and not involving a new street or the extension of any existing street, street facilities, or utilities; and existing facilities will adequately accommodate the modification; and
- 6-5-1.2 The proposal will not create a violation of any of the provisions of the Zoning Ordinance; and
- 6-5-2 If the Administrator finds that the proposed subdivision or re-subdivision meets all the requirements as set forth above and elsewhere in this chapter, he shall certify the proposed plat as a "minor subdivision", and by affixing a notation to that effect and his signature thereto, grant final subdivision approval. At each regular Planning Commission meeting, the Administrator shall make a written report of all minor subdivision so classified, certified, and approved for filing.
- 6-5-3 No subdivision of a parcel of land may be approved pursuant to this section within one year after the date of recordation of a minor subdivision plat for such parcel or part thereof. (8-9-88, Case #SA-88-01, Ord. No. 029-88).

SECTION 6-6. RECORDATION.

Unless the subdivider shall record his approved final subdivision plat in the office of the Clerk of Circuit Court for the City of Winchester within ninety (90) days after final approval, said final plat approval shall be null and void. The subdivider or his agent shall, in writing, inform the Administrator of the date on which said final subdivision plat was filed and note the deed book and page number thereof.

APPROVAL OF PLATS - PROCEDURE

SECTION 6-7. REVISIONS TO APPROVED SUBDIVISIONS. (NEW SECTION 11-15-88 CASE# SA-88-02 ORD. NO. 45-88)

- 6-7-1 **APPLICATION FOR REVISION TO AN APPROVED SUBDIVISION:**
Whenever any revision to a previously approved subdivision is requested, the applicant shall submit a completed subdivision revision application with ten (10) copies of all affected plats and additional sheets clearly identifying the nature of the alterations proposed.

Revisions to a previously approved major subdivision shall include the same information required in Section 6-4-5 of this Ordinance.

- 6-7-2 **ACTION ON SUBDIVISION REVISIONS:** Minor subdivision revisions shall be certified and approved by the Administrator if the revisions conform to the provisions of the Zoning Ordinance and this Ordinance. Revisions to previously approved and recorded major subdivisions shall be reviewed by the Administrator to determine whether the proposed revisions conform substantially to the most recent final plat approval on record. If the Administrator determines that the proposed revisions are acceptable and substantially conform to the most recent approved and recorded plat, then he or she shall sign the plans certifying approval thereof. If the Administrator determines that the revisions do not conform substantially to the most recently approved and recorded plat, he or she shall forward the request to the Planning Commission for its consideration and action at the next regular meeting.

All approved revisions to previously approved and recorded subdivisions shall be subject to the provisions of Section 6-6 of this Ordinance pertaining to Recordation of Plats. (11-15-88 Case # SA-88-02 Ord. No. 045-88)

LAND SUBDIVISION ORDINANCE

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 7

VACATION OF PLAT AFTER SALE OF LOT

SECTION 7-1.

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

- a. By instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the Council of the City, for the purpose of showing the approval of said vacation by the Council. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for recording in the Clerk's office of the Circuit Court for the City of Winchester, Virginia.
- b. By Ordinance of the Council of the City on motion of one of its members or upon application of any interested person. Such Ordinance shall not be adopted until after notice has been given as required by 15.1-431, Code of Virginia (1950) as amended. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the plat or portion thereof to be vacated and state the time and place of the meeting of the City Council at which the adoption of the Ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the Ordinance. An appeal from the adoption of this Ordinance may be filed within thirty (30) days in the Circuit Court for the City of Winchester, Virginia. Upon such appeal the Court may nullify the Ordinance if it finds that the owner of any lot shown on the plat will be irreparable damaged. If no appeal from the adoption of the Ordinance is filed within the time above provided or if the Ordinance is upheld on appeal, a certified copy of the Ordinance of vacation may be recorded in the Clerk's office of the Circuit Court of the City of Winchester.

The recordation of the instrument as provided under paragraph (a) or of the Ordinance as provided under paragraph (b) shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the center line of any streets, alleys, or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installation which have been previously erected therein. If any such street, alley or easement for public passage is located on the periphery of the plat, such title for the entire width hereof shall best in such abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the statement as required by Section 4, paragraph 4-3 of this Ordinance free and clear of any rights of public use in the same.

LAND SUBDIVISION ORDINANCE

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 8

EFFECTUAL CLAUSES

SECTION 8-1. EXCEPTIONS.

Where the subdivider can show that the strict adherence of any provision of this subdivision Ordinance would cause an unnecessary hardship, Council may approve a departure upon the written recommendation of the Planning Commission.

SECTION 8-2. PENALTIES.

Any person violating any of the provisions of this Ordinance shall be subject to a fine of not more than \$100.00 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or used in the process of selling or transferring shall not exempt the transaction from such penalties or from remedies herein provided.

SECTION 8-3. ENFORCEMENT.

The Administrator shall be charged with the enforcement of this Ordinance.

SECTION 8-4. VALIDITY.

Should any article, section, subsection or provision of this subdivision Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 8-5. REPEAL.

All Ordinances or portions of Ordinances in conflict with this Ordinance are hereby repealed to the extent of their conflict.

LAND SUBDIVISION ORDINANCE

SECTION 8-6. AMENDMENTS.

The Planning Commission on its own initiative or on request of the City Council shall prepare and recommend amendments to this Ordinance. No such amendment shall be adopted until notice has been given as required by Section 15.1-431, Code of Virginia (1950) as amended; provided that no such amendment shall be adopted without a reference of the proposed amendment to the Planning Commission for recommendation, not until sixty days after such reference, if no recommendation is made by the Commission.

SECTION 8-7. EFFECTIVE DATE.

This Ordinance shall be effective on and after 12:01 A.M. on June 15, 1977.